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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on 8th August, 2005:—

I

BILL No. LXXVII OF 2005

A Bill further to amend the Warehousing Corporations Act, 1962.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Warehousing Corporations (Amendment) Act, 2005.

Short title
and
commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

58 of 1962.

2. In section 7 of the Warehousing Corporations Act, 1962 (hereinafter referred to as the principal Act),—

Amendment
of section 7.

(a) in sub-section (1),—

(i) clause (b) shall be omitted;

(ii) after clause (f), the following clause shall be inserted, namely:—

“(ff) three directors to be appointed by the Central Government;”;

(b) in sub-section (4), the words "and a Vice-Chairman" shall be omitted;

(c) after sub-section (4), the following sub-section shall be inserted, namely:—

"(4A) The directors appointed under clause (ff) of sub-section (1) shall be entitled to receive such salary and allowances as the Central Warehousing Corporation may, with the approval of the Central Government, determine."

Amendment
of section 8.

3. In section 8 of the principal Act, in clause (v), for the words "the managing director", the words, brackets, letters and figures "the directors appointed under clause (ff) of sub-section (1) of section 7 and the managing director" shall be substituted.

Amendment
of section 12.

4. In section 12 of the principal Act,—

(a) in sub-section (1), in clause (a), the words "and the Vice-Chairman" shall be omitted;

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) The Chairman of the board of directors shall be the Chairman of the Executive Committee."

Amendment
of section 27.

5. In section 27 of the principal Act, in sub-section (2), in clause (iii), for the words "nationalised bank", the words "scheduled bank" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Warehousing Corporations Act, 1962 provides for the incorporation and regulation of corporations for the purpose of warehousing of agricultural produce and certain other commodities notified by the Central Government and for matters connected therewith. The Central Warehousing Corporation (CWC) established under the said Act is a profit-earning Public Sector Enterprise (PSE) under the administrative control of the Department of Food and Public Distribution and a Mini-Ratna PSE as declared by the Department of Public Enterprise (DPE).

2. In the changed scenario of economic liberalisation and the need to compete effectively, it is proposed to rationalise the composition of, and bring professionalism to, the board of directors of the CWC, on the lines of the instructions issued by the DPE in this regard. Further, there is a need to allow Warehousing Corporations to have access to wider sources of capital at better and more competitive terms, with the liberalisation and growth of the economy, particularly in view of the sizeable investments required to create, augment and improve storage infrastructure. The need can be met by modifying the existing provisions relating to sources of borrowed capital in the Act.

3. It is, therefore, proposed to amend the Act, *inter alia*, to provide for the following:—

(i) rationalisation and professionalisation of the board of directors of the Central Warehousing Corporation by including three functional directors on the said board;

(ii) empowering Warehousing Corporations to borrow money from the scheduled banks in addition to the existing sources provided for in the Act, for enabling them to have access to wider sources of capital at competitive terms;

(iii) permit salaried officials of the Central Warehousing Corporation to be appointed as directors on its board of directors.

4. The Bill seeks to achieve the above objects.

SHARAD PAWAR.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to amend section 7 of the Warehousing Corporations Act, 1962, *inter alia*, providing for appointment of three functional directors on the Board of Directors of the Central Warehousing Corporation by the Central Government. It also proposes to abolish the office of Vice-Chairman of the Corporation. It is estimated that the appointment of three functional directors will involve a recurring expenditure to the tune of rupees 15 lakhs per annum. This expenditure will be met by the Corporation from its own funds. Hence, no expenditure, recurring or non-recurring from the Consolidated Fund of India is involved.

II

BILL NO. LXXVIII OF 2005

A Bill to amend the Immigration (Carriers' Liability) Act, 2000.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Immigration (Carriers' Liability) Amendment Act, 2005.

Short title.

2. After section 3 of the Immigration (Carriers' Liability) Act, 2000, the following section shall be inserted, namely:—

Insertion of new section 3A to Act 52 of 2000.

“3A. (1) Without prejudice to the provisions of the Passport (Entry into India) Act, 1920 and the rules made thereunder, if the Central Government is of opinion that it is necessary or expedient in the interest of the general public or to

Power to exempt.

fulfil the international obligation, it may, by order notified in the Official Gazette and subject to such conditions as may be specified in the order, exempt any carrier or class of carriers from the operations of all or any of the provisions of this Act and may, as often as may be necessary, revoke or modify such order.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.”.

STATEMENT OF OBJECTS AND REASONS

The Immigration (Carriers' Liability) Act, 2000 was enacted to tackle the problem of large number of passengers being brought into the country without any valid travel document by the carriers in contravention of the Passport (Entry into India) Act, 1920 and the rules made thereunder. The said Act empowers the competent authority appointed under the Foreigners Order, 1948 or any other officer notified by the Central Government to impose a penalty of rupees one lakh on the carrier for bringing persons into India in contravention of the provisions of the Passport (Entry into India) Act, 1920 and the rules made thereunder.

2. According to the Convention on International Civil Aviation Organisation, to which India is a party, contracting States shall not fine operators in the event that passengers are found inadmissible unless there is evidence to suggest that the carrier was negligent in taking precautions to their end that the passengers complied with the documentary requirements for entry into the receiving State. This obligation is difficult to implement as the Government has no power to exempt any carrier or class of carriers from application of the Immigration (Carriers' Liability) Act, 2000.

3. Accordingly, it is proposed to amend the said Act so as to empower the Central Government to exempt any carrier or class of carriers from the operations of all or any of the provisions of this Act subject to such conditions as may be specified in the order. It is also proposed to give power to the Central Government to modify or revoke such order. By the proposed amendment the Central Government would be in a position to fulfil its international obligations.

4. The Bill seeks to achieve the aforesaid object.

SHIVRAJ V. PATIL.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill empowers the Central Government to issue orders to fulfil the international obligation, to exempt any carrier or class of carriers from the operations of all or any of the provisions of the Immigration (Carriers' Liability) Act, 2000 subject to such conditions as may be specified in the order. Further, it empowers the Central Government to revoke or modify such orders. Every order is required to be laid before Parliament.

2. The matters in respect of which orders are to be issued are matters of procedure and administrative detail and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, normal in character.

III

BILL NO. LXXXIV OF 2005

A Bill to amend the Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum Act, 1980.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Sree Chitra Tirunal Institute of Medical Sciences and Technology, Trivandrum (Amendment) Act, 2005. Short title.

52 of 1980.

2. In section 6 of the Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum Act, 1980, in sub-section (2), the following words shall be added at the end, namely:— Amendment of section 6.

"or he becomes Speaker or Deputy Speaker of the House of the People, or Deputy Chairman of the Council of States, or a Minister."

STATEMENT OF OBJECTS AND REASONS

Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum was constituted by the Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum Act, 1980 and it was declared as an institution of national importance for the objects to promote bio-medical engineering and technology, to develop post-graduate training programs of the highest quality in advanced medical specialities and to provide and demonstrate high standards of patient-care in advanced medical specialities.

2. Section 5 of the Act provides for the composition of the Institute and envisages under clause (j) that Institute shall consists of three Members of Parliament of whom two shall be elected from among themselves by the Members of the House of the People and one from among themselves by the Members of the Council of States. Sub-section (2) of section 6 provides further that the term of office of a member elected under clause (j) of section 5 shall come to an end as soon as he ceases to be a member of the House from which he was elected. But, the Act does not provide for cessation of the term of office of a member elected under the said clause, in case he becomes Speaker or Deputy Speaker of the House of the People or Deputy Chairman of the Council of States or Minister. Hence, an amendment to the Act is required to provide that the term of office of a member elected under the said clause shall come to an end as soon as he becomes Speaker or Deputy Speaker of the House of the People, or Deputy Chairman of the Council of States, or a Minister.

3. The Bill seeks to achieve the above objects.

KAPIL SIBAL.

YOGENDRA NARAIN,
Secretary-General.